

EXHIBIT 39

Lockwood, M.D., John M. PORTIONS HIGHLY CONFIDENTIAL
Washington, DC

December 6, 2007

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
PRICE LITIGATION) 01-CV-12257-PBS
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-a-Care of) Judge Patti B. Saris
the Florida Keys, Inc.)
v.) Chief Magistrate
Abbott Laboratories, Inc.,) Judge Marianne B.
No. 06-CV-11337-PBS) Bowler

(caption continues on following pages)

Videotaped deposition of JOHN M. LOCKWOOD, M.D.

Volume I

Washington, D.C.

Thursday, December 6, 2007

9:00 a.m.

Henderson Legal Services, Inc.

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1 them as part of their care and treatment.

2 Q. But they don't purchase them, do they?

3 MR. BREEN: Objection to form.

4 A. Well, they purchase them from an
5 infusion pharmacy or a hospital.

6 Q. There's a class of entities in this
7 country which purchase infusion drugs from GPOs
8 and wholesalers, correct?

9 A. Yes, sir.

10 Q. What is that class of entities?

11 A. Well, I think it includes pharmacies
12 and physicians and others that have the right to
13 own and have those drugs for resale.

14 Q. Of that class of people who among them
15 do not have access to the same information that
16 Ven-A-Care had with respect to the pricing for
17 Abbott drugs?

18 MR. BREEN: Objection to form.

19 A. I believe that the other pharmacies
20 that were in the same class of trade as Ven-A-
21 Care had the same pricing available in general
22 that Ven-A-Care had.

1 A-Care's complaints.

2 They're -- during the course of the
3 complaint there are explanations I assume of a
4 lot of the programs and there are examples of
5 findings that I believe based on what I'm seeing
6 came from the government's investigation of some
7 of these drugs. And the last page, I think --
8 let me look -- I wouldn't say last page. It's I
9 guess Exhibit 1 would be a better description --
10 contains Ven-A-Care's prices in the column price
11 to relator. And the various other -- some other
12 prices in the marketplace and the amounts of the
13 spread and -- so that at the core of this
14 complaint is Ven-A-Care's pricing information.

15 And I don't know if they're
16 allegations, but whatever -- I guess allegations.
17 I'm not sure I know the legal definition of that
18 word -- of what Ven-A-Care has said was occurring
19 in the marketplace, that Abbott was reporting
20 inflated prices that induced customers to buy
21 their drug. And that -- I don't know if you want
22 to call it my knowledge. It's Ven-A-Care's